

No. 11968-41 ab-74/38069.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Haryana Rubber Industry (P) Ltd., Ballabgarh.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 43 of 1974

between

SHRI DEEP CHAND AND THE MANAGEMENT OF M/s HARYANA RUBBER INDUSTRY
(P) LTD., BALLABGARH

Present:—

Shri Surinder Nath Mishra, for the management.

Nemo, for the workman.

AWARD

By order No. ID/RK/214-E-74/18019-23, dated 20th January, 1974 of the Governor of Haryana, the following dispute between the management of M/s Haryana Rubber Industry (P) Ltd., Ballabgarh and its workman Shri Deep Chand was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (j) of Section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Deep Chand was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference usual notices were given to the parties. The workman concerned has not filed any statement of claim. He has further elected not to appear and pursue his case in person or through authorised representative. On the other hand, the management has pleaded that it is a case of self abandonment of service by Shri Deep Chand workman concerned.

Statement of Shri Surinder Nath Mishra, Time Keeper has been recorded. He has produced documents including the application of Shri Deep Chand for appointment Exhibit M. 1, the order of his appointment as Chowkidar at Rs. 100 P.M. Exhibit M. 2, letter, dated 5th June, 1973 issued to him that he was found sleeping while on duty Exhibit M. 3, A. D. receipt Exhibit M. 4, letter, dated 16th June, 1973 informing him that the management had taken a lenient view of the matter and that he should join his duty by 20th June, 1973 failing which his name would be struck off the rolls Exhibit M. 5, another letter written to him to the same effect on 18th June, 1973 Exhibit M. 6, A. D. receipt Exhibit M. 7, letter, dated 19th July, 1973 written to the Labour Officer-Cum-Conciliation Officer stating the above fact Exhibit M. 8 and report of the Conciliation Officer Exhibit, M. 9.

From the statement of Shri Surinder Nath Mishra read with the documents referred to above, it is quite clear that the present workman had absented himself from duty of his own accord and had not reported for duty in spite of 2 letters addressed to him by the management for this purpose. This plea of the management does not appear to be an after-thought as it had been taken before the Conciliation Officer also stating all the facts regarding the absence from duty of the workman concerned. There is apparently no reason to disbelieve the sworn testimony of Shri Surinder Nath Mishra, Time Keeper which finds support in overwhelming documentary evidence, especially when the workman concerned is not coming forward to refute the allegations and pursue his claim.

So, on the facts established and for the reasons aforesaid, I am of the considered view that it is a case of self abandonment of service by the workman concerned and as such no industrial dispute existed between the parties which could validly be referred for adjudication to this court. Even otherwise, the workman concerned is not entitled to any relief by way of reinstatement or payment of back dues on account of his own conduct as discussed above. The award is made accordingly but without any order as to costs.

Dated the 5th December, 1974.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2861, dated the 12th December, 1974.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.